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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,059	03/29/2001	Srinivas Gutta	US010074	5339

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/821,059

Applicant(s)

GUTTA ET AL.

Examiner

Farzana E. Hossain

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because:

Claim 1: Lawler (5,758,259 and hereafter "Lawler")

In response to arguments for Claim 1 on pages 2-3, the applicant argues that Lawler does not disclose displaying visual indicia for each of the plurality of personal channels for allowing selection of one of the channels wherein the visual indicia is controllable by a remote control to invoke a personal channel featuring selective program from an individual television viewer, that Lawler teaches a single personal channel. The applicant argues that Lawler discloses entering a PIN in the station controller and does not present visual indicia for selecting from any of the personal channels. The applicant argues that Lawler does not disclose a display for displaying a plurality of personal channels on a single display or allowing selection via the visual indicia. The applicant argues that Lawler does not teach that the viewers have a separate channel.

The examiner would like to point out that visual indicia is displayed for a plurality of personal channels (Figure 3B, Column 4, lines 43-64). In response to the argument of a single personal channel, the applicant's disclosure discloses that personal channels can be created based on what others in the household have developed in their personal channel (Page 16, lines 5-15). Lawler clearly discloses a plurality of personal channels including personal preference, household preference, and national preference channels.

The examiner would like to point out that Lawler enters a PIN to distinguish between viewers in a multiple viewer home (Column 7, lines 35-43). The PIN does not prevent the viewing of a plurality of personal channels. Lawler clearly discloses presenting visual indicia for selecting from any of the personal channels on display (Figure 3B). There is visual indicia of the preferred programming for each of the personal channels and there is visual indicia for each of the personal channels (Figure 3B).

Lawler discloses a display having an interactive interface for displaying a plurality of personal channels for a plurality of television viewers on the display (Figure 3B, Column 4, lines 43-64). Lawler clearly discloses a plurality of personal channels including personal preference, household preference, and national preference channels.

The claim does not disclose that each television viewer has a separate personal channel (such as personal preference channel) displayed on the screen as suggested by the applicant. The claims limitations disclose "a plurality of personal channels" and also that the personal channel are programmed for the individual viewer can be from a one of the following techniques including explicit information, passive information, collaborative filtering or all of the above. Lawler discloses techniques including collaborative filtering (Figure 3B, Column 8, Table 2, Column 9, lines 36-49) and preferences (Figure 3B, Column 8, Table 2).

The examiner suggests that the applicant more clearly disclose that the personal channel as the applicant's disclosure defines personal channel to be personal or collaborative and separate personal channels for each viewer as the separate personal channels can be the household channel or the personal channel. Lawler discloses a plurality of personal channels for a plurality of viewers in a house and programming a personal channel for an individual viewer (Figure 3B). Lawler discloses that personal channels for a plurality of viewers can be household and national preference channels (Figure 3B). The current limitations are clearly met by Lawler.

Claim 5:

The applicant argues that Claim 5 has been amended. Amended claims dated 09/02/06 have not been submitted and applicants state on page 2, that the applicants request reconsideration. Claims submitted 04/09/06 do not show an amended claim 5.

The amendment of presenting visual indicia for a plurality of personal channels allowing selection of one of the personal channels is not a current limitation of Claim 5. Lawler discloses the similar limitation in the current claim 5 of "displaying a visual indicia for a plurality of personal channels....the display being controllable by a remote control" (Column 4, lines 43-64, Column 5, lines 1-6, Figure 3B). See above for Claim 1 arguments.

Claim 13:

The applicants' arguments to Claim 13 (Pages 3-4) are very similar to those of Claim 1 (see above). Applicant argues that Lawler does not display a visual indicia for a plurality of personal channels and allowing the selection of the plurality of channels. See response of arguments to Claim 1. Lawler clearly discloses displaying a visual indicia for a plurality of personal channels and allowing the selection of the plurality of channels (Figure 3B).

Claims 2, 3, 9-10 depend on Claim 1. Claims 6-7, 11, 12 depend on Claim 5. Claims 14, 15, 17, 18 depend on Claim 13.

Claims 4, 8, and 16: Lawler et al (US 5,699,107 and hereafter "Lawler2")

The applicant argues that Lawler2 does not disclose a remote control has means for controlling the recording of a TV program. The applicant points to Figures 2 and 5 and column 10, lines 27-44. Lawler clearly discloses that the remote control has means for controlling the recording of a television program as the user has to select navigation key on the input device and then presses the action key for the desired action (Column 10, lines 27-44). The actions are displayed on the screen for selection via a remote control. The action is recording and action button is on the remote control.

Claims 19 and 20: The arguments are similar to those of Claims 1 and 13. See above arguments.